

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 2, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #141A, Thompson Creek

PROPOSAL: Remove 2 lots from the Thompson Creek CUP and add them to the Thompson Creek Use Permit.

LOCATION: South 56th Street & Thompson Creek Boulevard

LAND AREA: 2.16 acres, more or less

CONCLUSION: The changes to this use permit do not conform to the Comprehensive Plan or to the approved Thompson Creek Use Permit and CUP.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lot 7, Block 1, Lot 1, Block 2, Lots 13-30, Block 3, and Outlot A, Thompson Creek Addition; Lots 1-4, Block 1, and Outlots A and B, Thompson Creek Commercial Addition, all located in the NW 1/4 of Section 21 T9N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING:

Vacant; planned for multiple-family residential	R-3 Residential
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SURROUNDING LAND USE AND ZONING:

North:	Vacant	AG Agricultural
South:	platted single-family	R-3 Residential
East:	platted single-family attached	R-3 Residential
West:	plated multiple-family	R-3 Residential

ASSOCIATED APPLICATIONS: CZ#05010, AA #05008 to SP #1930

HISTORY:

Sep 2004 Administrative Amendment #04053 to Use Permit #141 approved several site plan changes, including a revised parking lot layout, new easement over Outlot E, and revised land use table.

- Jun 2004 Administrative Amendment #04044 to Use Permit #141 revised general site plan note 10.
- Jan 2004 Administrative Amendment #04003 to Use Permit #141 corrected the dimensions of Lot 14, Block 3.
- Aug 2003 Administrative Amendment #03096 to Special Permit #1930 approved several site plan changes, including conversion of some lots from two-family to single-family, note revisions, and street name changes.
- Mar 2003 Final Plat #02046 Thompson Creek Addition approved.
- Jul 2002 Use Permit #141 approved 114,500 sq. ft. of office space, which included 37,000 sq. ft. of live/work office space and 16 dwelling units. Preliminary Plat #01015 approved Thompson Creek with 285 lots and 8 outlots. Special Permit #1930 approved Thompson Creek CUP with 352 dwelling units. Change of Zone #3338 changed the zoning designation of the CUP from AG Agricultural to R-3 Residential. Change of Zone #3339 changed the zoning designation of the Use Permit from AG Agricultural to O-3 Office Park. Annexation #01007 annexed the Thompson Creek development.
- Mar 1979 The zoning for this area was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential. (F 25) This site is identified as a Neighborhood Center. (F 41)

Guiding Principles applying to all Commerce Centers include:

Commerce Centers should develop as compact clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement, minimize impacts on adjacent areas, and possess a unique character.

Commerce Centers should generally contain a mix of land uses, including residential uses. Higher density residential uses should be included in and/or adjacent to all commerce centers.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.

The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/convenience stores and drive thru facilities should be located nearer to the major street or roadway and furthest from the residential area. (F 41, 42)

UTILITIES: Lot 1 Block 2 does not have abutting sanitary sewer. There are no connections shown for the water main at Thompson Creek Boulevard or Union Hill Road. Design standards call for an 8" water main in commercial areas rather than the 6" shown in the notes.

TRAFFIC ANALYSIS: South 57th Street will now be a through street from Thompson Creek Boulevard to Union Hill Road and will have to accommodate the higher volumes and truck traffic associated with commercial uses. The difference in traffic volume between the previous apartment use and the proposed commercial uses, specifically the drive-in bank, needs to be addressed. Additional right-of-way needs to be shown for the right turn lanes in 56th Street at Union Hill Road and Thompson Creek Boulevard.

ENVIRONMENTAL CONCERNS: Part of this development is located within the Country Acres Wellhead Protection Area. Best management practices should be utilized to decrease the risk of groundwater contamination, for example, being conscientious regarding the use of lawn chemicals/fertilizers and ensuring the proper storage of chemicals and/or fuels.

AESTHETIC CONSIDERATIONS: The Thompson Creek plan was originally proposed as a new urbanism concept, specifically including a compact, dense commercial area adjacent to single-family attached residential units taking access from a jointly shared alley. These single-family attached units provided a buffer between larger, more standard, front access residential lots and the commercial area. The apartments approved with the CUP also provide a transition between the commercial area and future residential to the south, and provide a residential use across from existing residences to the west. The proposed changes to both the Use Permit and CUP eliminate these features.

ANALYSIS:

1. This is a proposal to remove 2 lots from the Thompson Creek CUP and add them to the Thompson Creek Use Permit; doing so will eliminate 72 multiple-family dwelling units.
2. This use permit is in an area shown as Urban Residential in the Land Use Plan. The approval of this plan was based upon the mixture of low and medium density residential around a common, dense commercial area.
3. The proposed use of these lots is to pick-up unused floor area from the existing use permit. No additional floor area is being proposed.
4. The existing use permit was approved because it clustered commercial uses in a compact fashion and did not propose a strip development. This proposal spreads the same amount of commercial floor area over a greater area and increases the length of commercial development along South 56th Street from 800' to 1,320'.
5. Applicant offers the following reasons to support this proposal:

Lot 7, Block 1 has an LES easement running through the middle of the lot, making the lot very difficult to develop as a multiple-family lot.

The LES power lines were existing when this project was originally proposed. Just as Applicant now proposes a commercial building on this lot, with parking in the easement area, a similar layout could be used for a multiple-family building. Applicant has always maintained this lot would be developed based on a specific apartment design. Buildings on multiple-family lots are approved within this use permit up to 50 feet in height.

Lot 1, Block 2 is also fairly small for a multiple-family lot making the parking ratio requirement difficult to achieve with maximum density.

This lot is 1.00 acre in size, approved for 36 units, and buildings up to 50 feet of height. By comparison, Design Standards allow a maximum density of 30 dwelling units per acre under R-4 zoning, 54 under R-5 zoning, and 75 under R-6 zoning. Applicant established the size of this lot within the preliminary plat and subsequent final plat. Based on Applicant's plans for this lot up to this point and comparison to the Design Standards, this lot is of sufficient size for 36 multiple-family units.

Lots 2, 15-17, Block 2 were approved for 55,000 square feet of office space, however, only 40,534 square feet of office space has been platted to date, leaving 14,466 square feet of building space unused for the area. This makes the existing commercial area a less intensive office use reducing the negative affect on the attached single-family units adjacent to the office property.

The layout for this area was based on the new urbanism concept of a dense commercial area serving nearby residents. The commercial area was intended to be concentrated, not strung along 56th Street in a strip development. Applicant had sole control over the number of square feet developed on these lots.

The approval of 55,000 square feet of commercial area adjacent to these residences was deemed appropriate by the approval of the use permit. Although reducing the amount of commercial area could reduce the impact on neighbors, a commercial neighbor is still a commercial neighbor. The original proposal addressed the negative impact on adjacent neighbors by providing a 40' setback to their rear yards. Potential neighbors have notice of what will be built next to them, and residences are already under construction on several adjacent lots.

6. Applicant has proposed removing the alleys from Blocks 1 and 2, stating:

Units on Lots 3-6, Block 2 are being built with front loading garages insuring that the rest of the lots on that block will be front loading as well. The look of the block will be consistent

with having like units facing each other as units on Block 4 have always been shown as front loading Attached Single family units.

Although building permits were issued for these four lots, they are in violation of the approved CUP, which includes a provision that access for these lots was to be provided off the alley. This provision was part of Applicant's original concept for this development. The issuance of these permits was an oversight, but does not insure the remaining lots will have access to the street. Rather, now that Building and Safety has been alerted to this issue, future buildings on the affected lots will be required to take access from the alley. The consistent appearance of this block has not been an issue, given that Applicant has proposed all along to have rear loaded units on one side and front loaded on the other.

7. Additional information must be provided demonstrating how Lot 1, Block 2 will be served with sanitary sewer, and showing 8" water mains with connections to Thompson Creek Blvd. and Union Hill Rd.
8. The 60' easement along South 57th Street needs to be labeled "Public access, water main, and utility easement."
9. Horizontal curve data and a street grade profile for South 57th Street need to be provided.
10. Sidewalks must be shown for South 57th Street.
11. Although there are no design standards that differentiate commercial from residential private streets, Public Works recommends that 57th Street be widened to 33', the public street standard for commercial areas, in order to accommodate commercial traffic.
12. The parking shown along South 57th Street should be revised to show angled parking to accommodate backing out of stalls without crossing the centerline.
13. A traffic study is necessary to address the difference in traffic volume between the previous apartment use and the proposed commercial uses, specifically the drive-in use.
14. Additional right-of-way needs to be shown for the right turn lanes in 56th Street at Union Hill Road and Thompson Creek Boulevard.
15. Should the Planning Commission choose to recommend approval, Planning Staff recommends the following conditions should apply.

CONDITIONS:

Site Specific:

1. Before receiving building permits:

1.1 Revise the site plan to:

- 1.1.1 Show Lot 1, Block 2 served with sanitary sewer.
- 1.1.2 Show 8" water mains serving the commercial area with connections to Thompson Creek Blvd. and Union Hill Rd.
- 1.1.3 Revise note 5 to reflect the current R-3 zoning designation.
- 1.1.4 Revise note 8 to show 8" water lines serving the commercial area.
- 1.1.5 Revise note 14 to replace the name "Trego Drive" with "Crosslake Lane."
- 1.1.6 Label the 60' easement along South 57th Street "Public access, water main, and utility easement."
- 1.1.7 Show sidewalks along both sides of South 57th Street with connections to the commercial lots.
- 1.1.8 Show the paving in South 57th Street to be 33' wide.
- 1.1.9 Revise the parking along South 57th Street to be angled.
- 1.1.10 Show additional right-of-way for the right turn lanes in 56th Street at Union Hill Road and Thompson Creek Boulevard.
- 1.1.11 Add a note stating part of this development is located within the Country Acres Wellhead Protection Area. Best management practices will be utilized to decrease the risk of groundwater contamination, for example, being conscientious regarding the use of lawn chemicals/fertilizers and ensuring the proper storage of chemicals and/or fuels.

- 1.2 Provide horizontal curve data and a street grade profile for South 57th Street.
- 1.3 Submit a traffic study and show revisions based on the study.

- 1.4 The permittee must submit a revised and approved final plan with 5 copies.
 - 1.5 The construction plans shall comply with the approved plans.
 - 1.6 Final plats within the area of this Use Permit shall be approved by the City.
 - 1.7 Change of Zone #05010 must be approved.
 - 1.8 An amendment to the Thompson Creek CUP must be approved removing these lots.
2. This approval permits 114,500 sq. ft. of office space which includes 37,000 sq. ft. of live-work office space and 16 dwelling units, with all previously approved waivers of the required setbacks, a reduction of the required parking, and a reduction of the required open space for dwellings.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
- 3.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns. The building officer shall report violations to the City Council which may revoke this use permit or take other such action as may be necessary to gain compliance.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

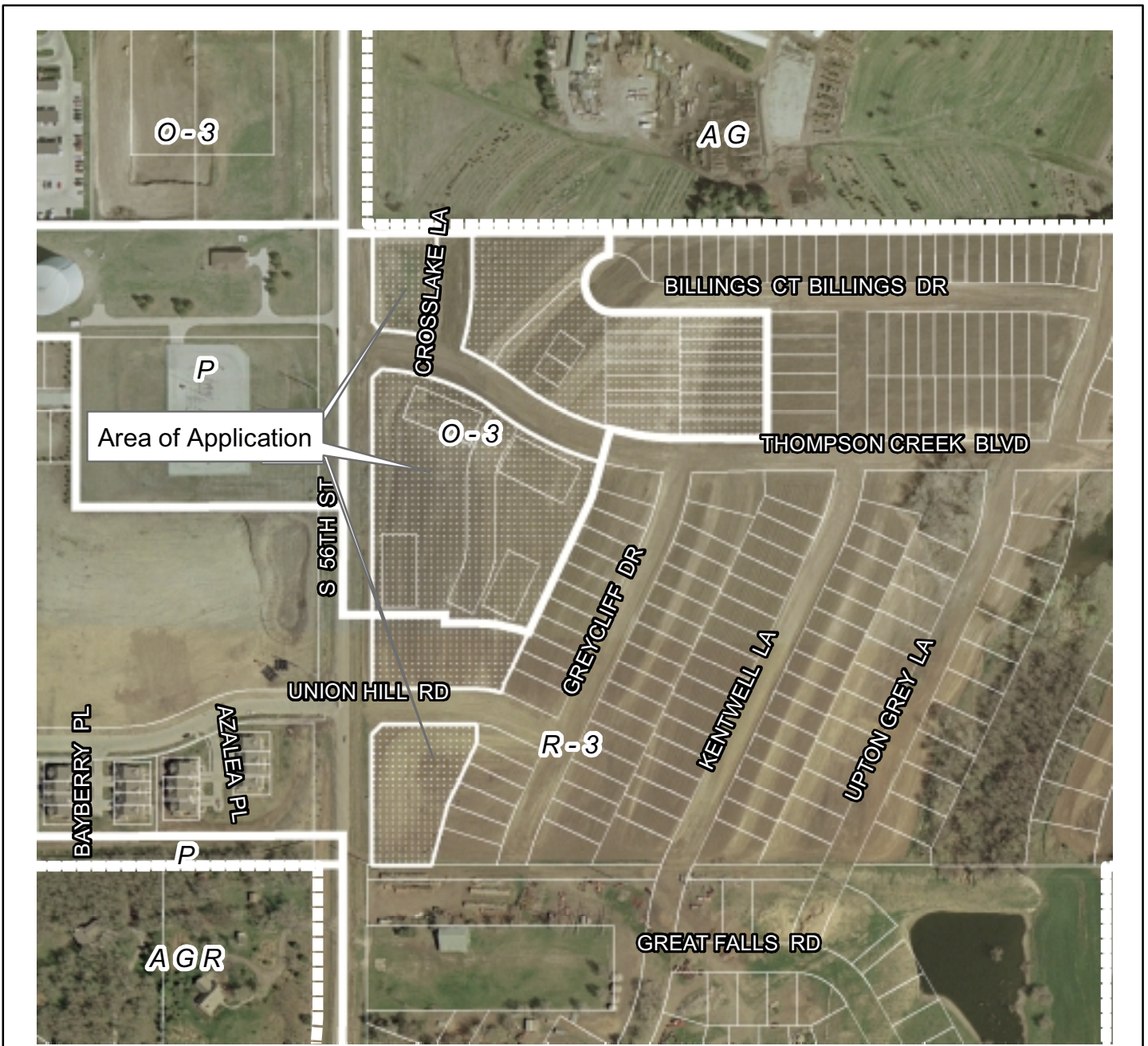
Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov

Date: February 14, 2005

**Applicant
and
Owner:** Thompson Creek, LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516
434.5650

Contact: Jason Thiellen
Engineering Design Consultants
2200 Fletcher Avenue, Suite 102
Lincoln, NE 68521
438.4014



2002 aerial

Use Permit #141A S. 56th & Union Hill Rd.

Zoning:

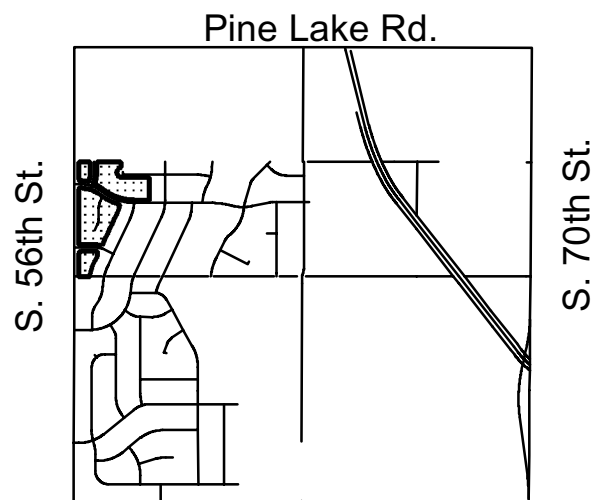
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

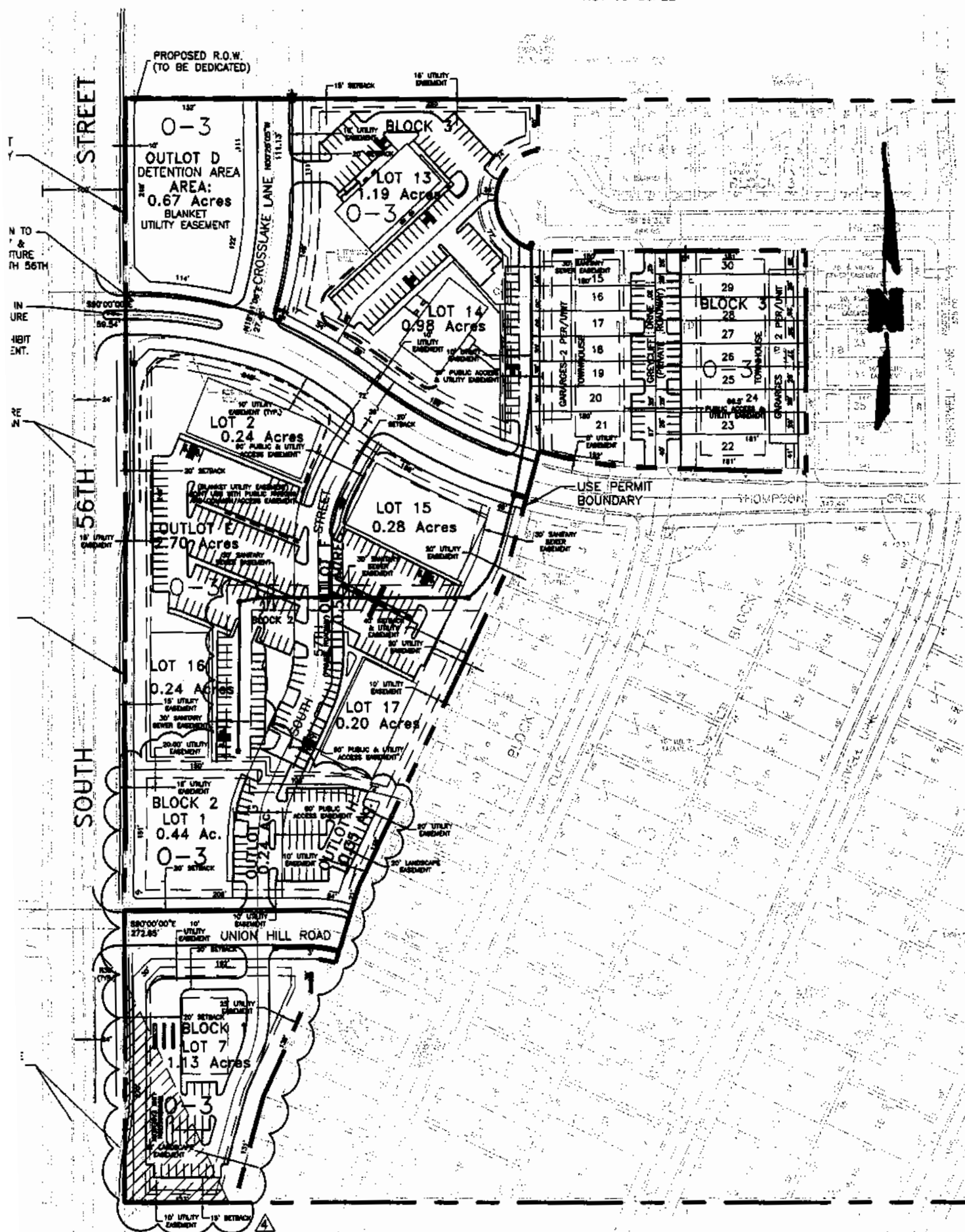
One Square Mile
Sec. 21 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction







Engineering Design Consultants

January 26, 2005

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RE: Thompson Creek
Amendment to Use Permit #141
Administrative Amendment to Community Unit Plan #1930
Change of Zone
EDC Job #04-086

Dear Brian,

On behalf of Engineering Design Consultants and our client, Thompson Creek L.L.C, the following applications are hereby submitted per the subdivision review process:

1. Application for an Amendment to Use Permit #141
2. Application for an Administrative Amendment to Community Unit Plan #1930
3. Change of zone from R-3 to O-3

Thompson Creek L.L.C is proposing to remove Lot 7, Block 1 and Lot 1, Block 2 from the Community Unit Plan and add them to the Use Permit. We feel that an office use for these lots is a better use for the following reasons:

- Lot 7, Block 1 has an LES easement running through the middle of the lot, making the lot very difficult to develop as a multiple family lot.
- Lot 1, Block 2 is also fairly small for a multiple family lot making the parking ratio requirement difficult to achieve with maximum density.
- Lots 2, 15 – 17, Block 2, were approved for 55,000 square feet of office space, however, only 40,534 square feet of office space has been platted to date leaving 14,466 square feet of building space unused for the area. This makes the existing commercial area a less intensive office use reducing the negative affect on the Attached Single Family units adjacent to the office property.

We are proposing to transfer the remaining square footage from Lots 2, 15 – 17, Block 2 to the lots being added to the use permit area. Thompson Creek L.L.C is not seeking additional square footage for the proposed office lots; they only want the remaining portion of the approved square footage to be transferred over to the lots being added to the Use Permit.

The following changes have been made to the Thompson Creek Use Permit #141:

1. Lot 7, Block 1 and Lot 1, Block 2 has been removed from the Community Unit Plan and added to the Use Permit.

2. The Use Permit boundary and legal description has been revised to reflect the addition of Lot 7, Block 1 and Lot 1, Block 2.
3. A change of zone has been requested for Lot 7, Block 1 and Lot 1, Block 2 from R-3 to O-3.
4. South 57th Street has been extended into Lot 1, Block 2 to provide access into the lot and through the entire commercial area.
5. The Land Use/Parking Table has been updated to show the additional lots, use, and square footage.
6. Lot 1, Block 2 parking will be located within an outlot and the building location will be shown as a separate lot as the parking will be built by Thompson Creek L.L.C to maintain the proper parking ratio and layout.
7. The public access easement has been removed from behind the lots located on Block 2 and from behind lots located on Block 1. Units on Lots 3 – 6, Block 2 are being built with front loading garages insuring that the rest of the lots on that block will be front loading as well. The look of the block will be consistent with having like units facing each other as units on Block 4 have always been shown as front loading Attached Single Family units. The landscape easement on Block 2 has been maintained to provide a buffer between the office use and the residential use. Considering the overall look of the block, we feel it makes sense to remove the public access easement from behind lots on Block 1.
8. A 20 foot landscape easement is being maintained between Lot 7, Block 1 and Lots 1 – 6, Block 1 to provide a buffer between the office use and the residential use.
9. General Site Note #10 has been revised to state, "BUILDINGS AND INDIVIDUAL LOT LANDSCAPING WILL BE REVIEWED AT THE TIME OF BUILDING PERMITS. THE PARKING LAYOUT SHOWN IS CONCEPTUAL AND THE ACTUAL LAYOUT MAY ALSO BE REVIEWED AT TIME OF BUILDING PERMITS PROVIDED CONTINUOUS ACCESS THROUGH AND BETWEEN PARKING AREAS TO ALL LOTS IS MAINTAINED."

The following changes have been made to the Thompson Creek Community Unit Plan #1930:

1. A change of zone for Lot 7, Block 1 and Lot 1, Block 2 from R-3 to O-3 has been requested.
2. Lot 7, Block 1 and Lot 1, Block 2 has been removed from the Community Unit Plan and added to the Use Permit.
3. The boundary and legal description has been revised to reflect the removal of Lot 7, Block 1 and Lot 1, Block 2.
4. The alley and public access easement located behind Lot 7, Block 1, Lot 1, Block 2, Lots 1 – 12, Block 3, and Lots 1 – 14, Block 7 has been removed as

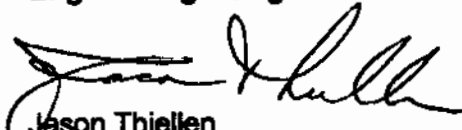
Thompson Creek L.L.C, Cambells Nursery, or the builders want to show rear loading lots at these locations.

5. General Site Note #15, Lots and Use Table has been revised to the following:
 - a. Lot 7, Block 1 – Office
 - b. Lot 1, Block 2 – Office
6. General Site Note #16 has been revised to state, "BLANKET UTILITY EASEMENTS GRANTED ON OUR LOTS A, B, C, D, E, F, G, & H.
7. General Site Note #26 has been removed as the note was in conflict with the Lots and Use Table.
8. General Site Notes #30, #31, & #32 have been removed as the notes apply to a multi-family lots and are no longer needed as the multi-family lots have been removed from the Community Unit Plan.
9. General Site Note #33 has been revised to state, "LOCATION AND LAYOUT OF BUILDINGS MAY BE CONSTRUCTED ANYWHERE WITHIN THE SETBACKS SHOWN." The wording "Building Envelopes" has been removed reflecting that individual lots are shown for building envelopes.
10. General Site Note #36 has been removed as the allowed signage for the O-3 zone will refer to the zoning ordinance.
11. General Site Note #41 has been removed as the removal of the alley and public access easements in back of Lots 3 – 14, Block 2, Lots 1 – 6, Block 1, Lots 1 – 12, Block 3 and Lots 1 – 14, Block 7 requires that the lots have access to a public street or private roadway.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Sincerely,

Engineering Design Consultants


Jason Thiellen
Land Planner

Enc: Check for \$1,605.00
Change of zone exhibit
Added lots exhibit
Updated legal descriptions for UP & CUP
Ownership Certificate

Cc: Bob Lewis